



# OLR RESEARCH REPORT

December 14, 2012

2012-R-0506

## **ADOPTIONS BY FOSTER PARENTS**

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You asked what (1) process foster parents must follow to adopt the child they are caring for and (2) recourse is available to them if they are denied the opportunity to adopt.

This report focuses primarily on what occurs after the Superior Court orders the termination of the child's parents' rights, meaning that the child is legally ready for adoption.

### **SUMMARY**

Two overarching principles guide the Department of Children and Families (DCF) when it takes custody of a child. First is that the child, whenever possible, should be reunited with his or her natural parents. Second, when this is not possible, DCF must make plans to ensure permanency for that child in a way that is in the child's best interests. In such cases, DCF will attempt to place the child with a relative (other than the parents) first. These principles are well established in federal and state law and case law.

Licensed foster parents are recognized in state law and DCF policy as potential adoptive parents. By virtue of being foster parents, they have indicated an interest in temporarily caring for that child, with the understanding that the child will be reunited with his or her parent or placed with a relative or a licensed adoptive parent. Individuals who are licensed adoptive parents, on the other hand, have indicated their desire to become a child's permanent family. According to DCF, there are approximately 180 active licensed adoptive parents in Connecticut waiting for children.

When a child is ready for adoption (i.e., parental rights have been terminated), a team of professionals from within and outside DCF (i.e., Permanency and Planning Team) decides who would make the best adoptive placement for that child. If the team determines that a licensed adoptive parent would make a better permanent placement for the child instead of the foster parent, the aggrieved foster parent can request an administrative hearing with DCF. Also, the foster parent has legal standing in any court proceeding concerning the child.

According to DCF, a large percentage of adoptions of DCF children are by foster parents, since in most cases, it is in the child's best interest not to have his or her life disrupted with another new placement, especially a young child. When this does not happen, it is because there were factors that led the permanency team to recommend a different licensed parent for that child.

DCF suggests that a foster family interested in adopting the child, on an informal basis, ask the child's attorney early on to contact them so they can indicate how the child is doing in their care, their interest in adopting the child, and why they might not be considered an appropriate permanent adoptive home. The attorney can arrange a meeting with the foster parent and the child's case worker and case work supervisor.

## **LEGAL FRAMEWORK FOR FOSTER PARENT ADOPTIONS**

Although the policy of the state is that children should live with their natural parents, it is also policy that children should be free from harm or injury ([CGS § 17a-101](#), et seq.). When a child comes into DCF care and custody, the department will take steps to reunify that child with his or her parents. DCF also has a legal obligation to create a more permanent home life for that child. When it is not possible to reunite the child with his or her natural parents, adoption is considered a viable option. Although state law provides that anyone who is a licensed foster parent, relative or not, can be a prospective adoptive parent, DCF will always try to place the child with a relative ([CGS §§ 17a-114\(b\)](#) and [46b-129\(c\)](#)).

### ***Permanency Planning—Foster Parent***

The law requiring DCF to adopt regulations establishing permanency plan standards contemplates foster parents as adoptive parents. For example, it requires the standards to include assessing kin, foster parents or other potential adoptive parents for adopting a child ([CGS § 17a-110](#)).

DCF also conducts concurrent permanency planning to achieve early permanency for a child, decrease the child's length of stay in foster care, reduce the number of foster homes in which the child is placed, and reduce the amount of time between the termination of parental rights and adoption. This involves a planning process to identify permanent placements and prospective adoptive parents so that once the court orders the termination, the permanent placement process (e.g., adoption) can begin immediately [CGS § 17a-110a](#)).

### ***When Adoption is Considered***

A child should be considered for adoption if he or she (1) has been deprived of care by his or her natural parents, (2) has the capacity to form a relationship with new parents, and (3) can benefit by becoming a member of a family. Additionally, the child must be legally free for adoption, which means that a judge has ordered termination of the natural parents' rights and the time for appeal (120 days) has passed (DCF Policy Manual, [§ 48-10-1](#)) and [CGS § 45a-719](#)).

In general, a child committed to DCF care and custody for less than one year cannot be considered for adoption. The court can waive the one-year wait if it finds from the totality of the circumstances that doing so is in the child's best interests. Similarly, the one-year period can be waived if a child under six months old has been abandoned, the parent has not made contact with the child or guardian for at least 60 days, and the parents' whereabouts are unknown (DCF Policy Manual, [§ 48-10-1](#)).

If a child is in foster care and is determined available for adoption, DCF enters his or her name into the Connecticut Adoption Resource Exchange, a unit within DCF's Division of Children's Protective and Family Services ([CGS § 17a-110b](#)). The child's case can be, but is not necessarily, transferred to a DCF adoption specialist, who is a specially trained social worker involved in permanency planning, facilitation of adoption, and providing related services to the child and the prospective adoptive family. This includes preparing the foster parent for adoption, or for releasing a child placed in that parent's home. (Although this is the policy, according to DCF these cases often are not transferred and instead stay with the foster child's caseworker. DCF prefers to keep the child with the staff member whom the child knows and with whom he or she has developed a relationship.)

Within five days of reviewing the child's record, the adoption specialist must meet with the child's treatment worker, who must inform the foster parent or other caretaker that the case has been transferred for adoption. Once the two have consulted, the treatment worker must arrange an initial meeting to introduce the specialist to the foster family, residential staff, or present caretaker. There must be two additional meetings between the staff and the child to better acquaint the child with the new worker and formulate the transfer plan. The worker and specialist must develop a plan for ongoing meetings with the child and the treatment worker's termination of his or her relationship with the child (DCF Policy, [§ 48-7-3](#)).

### ***Assessment***

The adoption specialist must begin a thorough assessment of the child within 10 days of a case being transferred to him or her. The assessment, which must be in writing, must include information describing any special needs the child has that would influence the selection of the adoptive home. The specialist must review a number of factors, including the child's developmental, social, placement, medical, and education history and current developmental and behavioral status.

The specialist must interact with the child in a variety of settings when undertaking the assessment, and must include the foster parent, caretakers, siblings, and anyone else with whom the child has a significant relationship. When no other assessments have been made, the specialist may also consider a formal psychiatric or psychological evaluation, if one is appropriate, the focus of which should be the (1) child's present functioning, (2) kind of family the child will need (e.g., single parent versus two parents), and (3) types of adjustments the child and adoptive family will have to make.

The specialist has up to 60 days to complete the assessment (DCF Policy Manual, [§ 48-12-2](#)).

***Foster Parent Assessment.*** The assessment must include a determination as to whether it is appropriate for the foster parent to adopt the child. To determine appropriateness, the specialist looks at the following factors:

1. the length of time the child has lived with the foster family in the context of the child's age and development;
2. the child's and foster family's emotional attachment to each other;

3. if the child has siblings, the extent to which the foster family plans for the child's continued involvement with them and other birth relatives to whom the child is attached, and whether such siblings (who are free for adoption) could also be placed within the prospective adoptive family; and
4. whether placement of additional foster children in the home is in this child's best interest.

DCF policy also requires the specialist to ask certain questions, such as why the foster parent wishes to adopt the child. The specialist must discuss with the foster parents how adoption differs from foster care, such as legal status and inheritance rights (DCF Policy, [§ 48-12-3](#)).

### ***Adoption Readiness Consultation***

Once the adoption specialist completes the assessment, he or she must consult with the Regional Resource Group members, Connecticut Adoption Resource Exchange staff, community consultants, or the permanency planning team, as appropriate, to assess the child's readiness for adoption and determine whether adoption is in the child's best interest.

If the adoption specialist determines that it is in the child's best interest for the foster parent to adopt him or her, the adoption specialist must meet with the foster parent as early in the process as possible but no later than five working days from completing the assessment to discuss and explain the necessary requirements. The specialist and the DCF Family Training and Support Unit worker must work together to update the foster home for adoption licensing (which must be completed within two months).

If the foster parents are not sure whether they wish to adopt the child, the specialist must tell them that they must decide within 90 days after an Order of Termination of Parental Rights is secured. The Uniform Case Record must be documented to indicate that this information was communicated to the foster parents (DCF Policy, [§ 48-12-4](#)).

### ***Final Selection by Permanency Planning Team***

The Permanency Planning Team (PPT) makes the final decision as to who will adopt the child. (DCF Policy Manual, [§ 48-14-2](#)). It lends expertise and provides consultation for the timely determination, development, and implementation of permanency and concurrent plans

for children and youth in DCF care. The team's membership is multidisciplinary to ensure that the necessary expertise is available to inform the group's decisions.

When more than one family present as adoptive candidates, the team discusses each family individually. (But according to DCF, the PPT normally would not be looking at other families to adopt a foster child whose foster parents want to adopt him or her.) The team uses a rating system when making its selection, as shown in Table 1.

**Table 1: PPT Rating System For Selecting Adoptive Family**

<b>Rating [1]</b>	<b>Description</b>
1	Not appropriate
2	A possibility after some consultation has been done
5	Some good points for this child
6	A close second. The family has many strengths
7	Most appropriate family on paper for this child

Source: DCF

[1] #3 and #4 were omitted to "avoid middle of the road comparisons."

Each team member, including the child's social worker or supervisor, rates the families and gives reasons supporting their rating. Rating sheets are given to the team chairperson during the meeting. The ratings are tallied using a DCF form and averaged, with an average rating of five or better required for that family to still be in the running to adopt. The family with the highest rating of five or higher is selected for the placement. A second and third choice must also be identified in case the most appropriate family cannot adopt. If there is a tie, the committee chairperson decides.

In the event that the child's social worker and supervisor disagree with the team's decision, they can appeal to the chairperson within five working days of the team meeting. The appeal, which must be written, must clearly demonstrate the reasons why they disagree. The chairperson must issue a decision, which is considered final, within 10 working days (DCF Policy Manual, [§ 48-14-6.4](#)).

## **RECOURSE FOR FOSTER PARENT DENIED ADOPTION**

According to DCF, foster parents often become adoptive parents because they have an established relationship with the child. But it is possible that some other factors (e.g., the foster parents are older, or they may not have younger children) could make them a less attractive permanent placement for the child.

If the PPT determines that it is not in the child's best interest to be adopted by the foster parents, the foster parents must be notified verbally and in writing within five days of this determination and advised of their right to an administrative hearing (DCF Policy Manual, [§ 48-12-4](#)). Only foster parents who have cared for the child for at least 12 months may request a hearing (Conn. Agency Regs., § 17a-100-5).

The law also gives a foster parent, prospective adoptive parent, or relative caregiver the right to notice of a court proceeding concerning a foster child living with that foster parent, a prospective adoptive parent, or relative caregiver. If any of these individuals have cared for the child, they have the right to comment on the child's best interests in any court proceeding that is brought before the court no more than one year after the last day that adult provided such care ([CGS § 46b-129\(o\)](#)).

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